

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROBINSON, HENRY L "PRO SE"

Write the full name of each plaintiff.

-against-

VICTORY MITSUBISHI

FLAGSHIP CREDIT ACCEPTANCE

CRESCENT BANK & TRUST

23 CV 0385(LTS)

(Include case number if one has been  
assigned)

AMENDED  
COMPLAINT



Do you want a jury trial?

☒ Yes ☐ No

Write the full name of each defendant. If you need more  
space, please write "see attached" in the space above and  
attach an additional sheet of paper with the full list of  
names. The names listed above must be identical to those  
contained in Section II.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed  
with the court should therefore *not* contain: an individual's full social security number or full  
birth date; the full name of a person known to be a minor; or a complete financial account  
number. A filing may include *only*: the last four digits of a social security number; the year of  
an individual's birth; a minor's initials; and the last four digits of a financial account number.  
See Federal Rule of Civil Procedure 5.2.

## I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

- ☒ **Federal Question**
- ☐ **Diversity of Citizenship**

### A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?  
15 U.S. Code 1692k(d), 28 U.S. Code 2201, 15 U.S. Code 1681(p)

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Debt Collection Practices (15 U.S. Code 1692- 1692p)

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Truth In Lending Act (15 U.S. Code 1601-1667f)

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Rule 55 of Federal Rules of Civil Procedure, Rule 602 of Federal Rules of Evidence

### B. If you checked Diversity of Citizenship

#### 1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, \_\_\_\_\_, is a citizen of the State of \_\_\_\_\_  
(Plaintiff's name)

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(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of \_\_\_\_\_

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If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, \_\_\_\_\_, is a citizen of the State of \_\_\_\_\_  
(Defendant's name)

\_\_\_\_\_  
or, if not lawfully admitted for permanent residence in the United States, a citizen or  
subject of the foreign state of \_\_\_\_\_.

If the defendant is a corporation:

The defendant, \_\_\_\_\_, is incorporated under the laws of  
the State of \_\_\_\_\_

and has its principal place of business in the State of \_\_\_\_\_

or is incorporated under the laws of (foreign state) \_\_\_\_\_

and has its principal place of business in \_\_\_\_\_.

If more than one defendant is named in the complaint, attach additional pages providing  
information for each additional defendant.

## II. PARTIES

### A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional  
pages if needed.

<b>Henry</b>	<b>L</b>	<b>Robinson</b>
First Name	Middle Initial	Last Name
<b>c/o 1072 Bedford Ave, Ste 022</b>		
Street Address		
<b>Kings, Brooklyn</b>	<b>New York</b>	<b>[11216]</b>
County, City	State	Zip Code
<b>9295131129</b>	<b>robinsonhenrylouis@outlook.com</b>	
Telephone Number	Email Address (if available)	



**B. Defendant Information**

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:	VICTORY MITSIBISHI
	First Name Last Name
	Current Job Title (or other identifying information)
	4070 BOSTON ROAD
	Current Work Address (or other address where defendant may be served)
	BRONX NEW YORK 10475
	County, City State Zip Code
Defendant 2:	FLAGSHIP CREDIT ACCEPTANCE
	First Name Last Name
	Current Job Title (or other identifying information)
	P.O. BOX 965
	Current Work Address (or other address where defendant may be served)
	CHADDS PENNSYLVANIA 19317
	County, City State Zip Code
Defendant 3:	CRESCENT BANK & TRUST
	First Name Last Name
	Current Job Title (or other identifying information)
	1100 POYDRAS STREET, STE 100
	Current Work Address (or other address where defendant may be served)
	NEW ORLEANS LOUISIANA 70163
	County, City State Zip Code

Defendant 4:

First Name

Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

**III. STATEMENT OF CLAIM**

Place(s) of occurrence: 4070 Boston Road, Bronx, NY 10475 &amp; 470 Dekalb Ave, Brooklyn, Ny 11205

Date(s) of occurrence: NOVEMBER 1ST,2022 &amp; JANUARAY 9TH,2023

**FACTS:**

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

PLEASE SEE ATTACHED

Docket Number 23-CV-0385(LTS)

### III. STATEMENT OF CLAIM

1) On November 1st, 2022 at VICTORY MITSUBISHI located at 4070 BOSTON RD, BRONX, NY 10475, Plaintiff went to complete a consumer credit transaction according to 15 U.S. Code 1602(i), or section 103(h) of the Consumer Credit Protection Act.

2) Defendant, VICTORY MITSUBISHI, introduced fraud within the contract entered with the plaintiff on November 1st, 2022 at 4070 BOSTON RD, BRONX, NY 10475, by lack of providing full, material disclosure as required by TILA (Consumer Credit Protection Act) and violations of contract law (Exhibit A).

3) Plaintiff sent out Notice of Rescission (15 U.S. Code 1635 & 12 CFR 1026.23) to VICTORY MITSUBISHI and the FLAGSHIP CREDIT ACCEPTANCE whom security interest was assigned to (Exhibit A). Defendants failed to respond to all affidavits and notices of claim that were sent out and received certified mail via the United States Postal Service. (Exhibit B)

4) Defendants, VICTORY MITSUBISHI and FLAGSHIP CREDIT ACCEPTANCE and CRESCENT BANK & TRUST was provided the opportunity to state a claim or remain silent and to agree with all terms set forth in the unresponded, un rebutted certified Notice of Rescission, Notice of Fault and Opportunity to Cure and Affidavit of Truth that were sent out and received certified mail via the United States Postal Service. (Exhibit B)

5) On January 9th, 2023, Defendant, CRESCENT BANK & TRUST unlawfully detained Plaintiff's consumer goods (AUTOMOBILE), 15 U.S. Code 1692f(6)). No notice or statement was received by Plaintiff from CRESCENT BANK & TRUST or FLAGSHIP CREDIT ACCEPTANCE in an attempt to collect an alleged debt. No Notice of Default of alleged debt was sent to the Plaintiff. CRESCENT BANK & TRUST wasn't assigned security interest on the contract that was signed on November 1st, 2022 between VICTORY MITSUBISHI and Robinson, Henry L.

6) Plaintiff gave a security interest which "secured payments of all owed on the contract" (Exhibit A, page 3)

7) On November 1st, 2022, Plaintiff participated in a consumer credit transaction according to 15 U.S. Code 1602(i), or Section 103(h) of the Consumer Credit Protection Act, not a loan, which isn't defined under the Consumer Credit Protection Act.

8) VICTORY MITSUBISHI and FLAGSHIP CREDIT ACCEPTANCE participated in Anticipatory Breach under the Assignment of Claims Act. (48 cfr 32.802/conditions & 48 cfr 32.805/procedures)



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**INJURIES:**

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

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**IV. RELIEF**

State briefly what money damages or other relief you want the court to order.

PLEASE SEE ATTACHED

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Docket Number 23-CV-0385(LTS)

#### IV. RELIEF

Plaintiff is asking the court to order VICTORY MITSUBISHI to officially rescind the transaction and return the down payment, order FLAGSHIP CREDIT ACCEPTANCE and/or CRESCENT BANK & TRUST to release any lien and interest they or other related parties may have and return the automobile that Defendants had no lawfully authority to repossess (15 U.S. Code 1692f(6)).

Plaintiff is asking the court to order the Defendants to remit seven-two thousand three hundred and two united states dollars to Plaintiff per:

15 U.S. Code 1611(1)(3) - 5000 ( five thousand united states dollars)

15 U.S. Code 1640 - 62302 ( sixty-two thousand three hundred and two united states dollars)

15 U.S. Code 1662 - 2000 ( two thousand united states dollars)

15 U.S. Code 1962k- 3000 ( three thousand united states dollars)



**V. PLAINTIFF'S CERTIFICATION AND WARNINGS**

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

March 17, 2023

Dated

HENRY

L

Plaintiff's Signature

ROBINSON

First Name

Middle Initial

Last Name

1072 Bedford ave , ste 022

Street Address

Kings, Brooklyn

New York

11216

County, City

State

Zip Code

9295131129

robinsonhenrylouis@outlook.com

Telephone Number

Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.